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18 *Co-Lead Class Counsel*

19 UNITED STATES DISTRICT COURT
20
21 NORTHERN DISTRICT OF CALIFORNIA
22
23 SAN JOSE DIVISION
24

25 IN RE: HIGH-TECH EMPLOYEE
26 ANTITRUST LITIGATION

27 THIS DOCUMENT RELATES TO:
28 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF DEAN M. HARVEY
IN SUPPORT OF SUPPLEMENTAL
STATUS REPORT REGARDING
FURTHER COMMUNICATIONS WITH
CERTAIN CLASS MEMBER OBJECTORS**

1 I, Dean M. Harvey, declare as follows:

2 1. I am an attorney licensed to practice in the Northern District of California. I am a
3 partner at the firm of Lieff Cabraser Heimann & Bernstein, LLP (“LCHB”), Co-Lead Class
4 Counsel. I have personal knowledge of the facts set forth herein and could competently testify to
5 them if called as a witness.

6 2. Following the July 9, 2015 hearing on Plaintiffs’ Motion for Final Approval of
7 Class Action Settlement (Dkt. 1087), I conferred with representatives of the Court-appointed
8 Settlement Administrator (Gilardi & Co. LLC, “Gilardi”) in order to calculate individual
9 settlement allocation estimates for Class Member objectors David Hsu, Loren Kohnfelder, Eric
10 Veach, and Mark Zavislak. For purposes of the estimate, I instructed Gilardi to assume that all
11 pending requests to the Court were granted, and I asked Gilardi to remove data regarding Class
12 Members who had submitted opt-out requests.

13 3. Due to certain data audit issues that Gilardi has not yet completed, Gilardi was not
14 able to provide final allocations, but offered what it believed to be nearly final estimates of the
15 individual allocations within a small range. Throughout the following week, I conferred with
16 Gilardi in order to provide the most accurate estimates possible. Gilardi provided me with
17 estimated ranges on July 16, 2015.

18 4. On July 16, 2015, I sent separate emails to Class Member objectors David Hsu,
19 Loren Kohnfelder, Eric Veach, and Mark Zavislak. I explained that the Settlement Administrator
20 had estimated a range of their individual recoveries under the proposed Settlement, if one
21 assumed that the Court granted all pending requests. I asked if, after receiving this information,
22 each would request a late opt-out of the pending Settlement if given the option.

23 5. On July 16, 2015, Mr. Kohnfelder and Mr. Zavislak each informed me in writing
24 that they wanted to remain in the Class and did not want to seek a late opt-out.

25 6. On July 21, 2015, Mr. Hsu informed me in writing that it was “unlikely” that he
26 would seek to opt-out. That day, I explained to him that the opt-out deadline had passed, and that
27 opting out at this stage would require an order from the Court. I told him that Class Counsel
28 would inform the Court that Mr. Hsu was not seeking a late-opt out if I did not hear otherwise

1 from him by July 22, 2015. Since that communication, Mr. Hsu has not contacted me to seek a
2 different outcome.

3 7. On July 23, 2015, Dr. Veach informed me in writing that he did not have a reason
4 to opt-out of the Settlement, and that he desired to remain a member of the Class.

5 I declare under penalty of perjury under the laws of California and the United States that
6 the foregoing is true and correct.

7 Executed on July 24, 2015 in San Francisco, California.

8 /s/ Dean M. Harvey
9 Dean M. Harvey